

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

DARRIN Z BURTON

Debtor

Chapter 13

Case No. 19-12225-BFK

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c)(6) - Material default by Debtor as is reflected in the attached Trustee's Report of Receipts and Disbursements.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Notice and Motion to Dismiss

Darrin Z Burton, Case #19-12225-BFK

Attend the hearing to be held on June 4, 2020 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: May 12, 2020

 /s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of May, 2020, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Darrin Z Burton
Chapter 13 Debtor
18 Mill Springs Rd
Fredericksburg, VA 22406-6000

Earl J. Oberbauer, Jr, Esq.
Attorney for Debtor
9329 Battle Street
Manassas, VA 20110

 /s/ Thomas P. Gorman
Thomas P. Gorman

INTERIM STATEMENT AS OF 05/12/2020

CASE NO: 19-12225-BFK

STATUS: BASE PLAN

DEBTOR: XXX-XX-3628

BURTON, DARRIN Z

AKA:

SCHEDULE: 3,125.00 MONTHLY

TOTAL PAID: 21,888.00

DATE FILED: 07/05/2019

18 MILL SPRINGS RD

CONFIRMED: 01/22/2020

FREDERICKSBURG, VA 22406-6000

LATEST 341: 08/06/2019

PERCENTAGE: 25.000

ATTORNEY: EARL J. OBERBAUER, JR, ESQ.

PLAN: 60 MONTHS

9329 BATTLE STREET

MANASSAS, VA 20110

Phone: 703 368-7679 Fax:

1st PAYMENT DUE: 08/2019

Needed to Complete Base:

ON SCHEDULE: 26,575.00

BASE: 185,950.00

ACTUAL PAYMENTS: 21,888.00

164,062.00

AMOUNT BEHIND: 4,687.00

LAST 12 TRANSACTIONS

Date	Source	Amount
04/20/20	PC	4,688.00
12/31/19	MARINE FCU	3,125.00
12/11/19	CC	3,125.00
11/18/19	EARL J. OBERBAUER	25.00
11/18/19	CC	925.00
11/08/19	CC	2,500.00
10/03/19	MARINE FCU	2,500.00
09/04/19	MARINE FCU	2,500.00
08/06/19	PC	2,500.00

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
001	IRS*	INTERNAL REVENUE SERVICE	PRO	PRI		0.00	13,146.10	13,146.10	1,186.48	11,959.62
			01/2020	100.00		0.00	13,146.10	13,146.10	0.00	0.00
001	IRS*	INTERNAL REVENUE SERVICE	PRO	UNS		0.00	2,686.01	2,686.01	0.00	671.50
				25.00		0.00	2,686.01	671.50	0.00	0.00
002	347047	STAFFORD COUNTY TREASURER	PRO	SEC		0.00	3,436.84	3,436.84	310.19	3,126.65
			01/2020	100.00		0.00	3,436.84	3,436.84	0.00	0.00
003	VATAX	VIRGINIA DEPT. OF TAXATION	PRO	PRI		0.00	4,713.10	4,713.10	425.37	4,287.73
			01/2020	100.00		0.00	4,713.10	4,713.10	0.00	0.00
004	349180	CARRINGTON MORTGAGE SERVICES	FIX	SEC		1,243.86	74,631.90	74,631.90	7,463.16	67,168.74
			01/2020	100.00		3,731.58	75,000.00	74,631.90	0.00	0.00
005	342561	DISNEY VACATION DEVELOPMENT TBS	PRO-I	UNS		0.00	0.00	0.00	0.00	Closed
				25.00		0.00	0.00	0.00	0.00	
006	350844	AUTO EQUITY LOANS	FIX	SEC		190.05	10,631.88	10,631.88	1,140.30	9,491.58
			01/2020	100.00		570.15	11,400.54	10,631.88	0.00	0.00
007	347057	DEPARTMENT OF COMMERCE FCU TBS	PRO-I	UNS		0.00	0.00	0.00	0.00	Closed
				25.00		0.00	0.00	0.00	0.00	
008	330684	TITLE MAX OF VIRGINIA INC	FIX	SEC		200.10	12,005.93	12,005.93	1,200.60	10,805.33
			01/2020	100.00		600.30	12,005.93	12,005.93	0.00	0.00
009	318319	ABERDEEN FED CU	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				25.00		0.00	300.00	0.00	0.00	
010	342933	ACCEPTANCE NOW	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				25.00		0.00	1,000.00	0.00	0.00	
011	349522	BANK OF MISSOURI	PRO	UNS		0.00	460.83	460.83	0.00	115.21
				25.00		0.00	348.58	115.21	0.00	0.00
011A	349522	BANK OF MISSOURI	PRO	UNS		0.00	454.99	454.99	0.00	113.75
				25.00		0.00	0.00	113.75	0.00	0.00
012	313280	ADVANCE AMERICA	PRO	UNS		0.00	619.00	619.00	0.00	154.75
				25.00		0.00	500.00	154.75	0.00	0.00
013	339267	BANK OF AMERICA	PRO	UNS		0.00	799.46	799.46	0.00	199.87
				25.00		0.00	799.46	199.87	0.00	0.00
014	345052	QUANTUM3 GROUP LLC	PRO	UNS		0.00	535.52	535.52	0.00	133.88
				25.00		0.00	600.00	133.88	0.00	0.00
015	350845	BARTON & MILLS SCHOOL OF DANCE	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				25.00		0.00	469.50	0.00	0.00	
016	350846	BB&T	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
		FIRST VIRGINIA BANK		25.00		0.00	1,546.00	0.00	0.00	
017	349793	CAPITAL ONE BANK USA, N.A.	PRO	UNS		0.00	1,064.97	1,064.97	0.00	266.24
				25.00		0.00	1,064.97	266.24	0.00	0.00
018	345747	CELTIC BANK	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				25.00		0.00	475.00	0.00	0.00	
019	348633	COLUMBUS GAS OF VIRGINIA	PRO	UNS		0.00	700.63	700.63	0.00	175.16
				25.00		0.00	447.60	175.16	0.00	0.00
020	349549	COMCAST	PRO	UNS		0.00	593.31	593.31	0.00	148.33
				25.00		0.00	944.74	148.33	0.00	0.00
021	LVNV	LVNV FUNDING LLC.	PRO	UNS		0.00	343.30	343.30	0.00	85.83
				25.00		0.00	291.00	85.83	0.00	0.00

** Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

This is a progress report only and should not be used to calculate a payoff.

Case Power® 12.1

INTERIM STATEMENT AS OF 05/12/2020

CASE NO: 19-12225-BFK

STATUS: BASE PLAN

DEBTOR: XXX-XX-3628

BURTON, DARRIN Z

SCHEDULE: 3,125.00 MONTHLY

PLAN AND FILED CLAIMS

<u>CLAIM NO</u>	<u>CRED NO</u>	<u>CREDITOR NAME</u> <u>CLAIM REMARK</u>	<u>DISB CODE</u> <u>LAST DISB</u>	<u>CLASS</u> <u>PAY%</u>	<u>INT. BEGIN</u> <u>INT. RATE</u>	<u>FIX PAY</u> <u>ARREARS</u>	<u>ORG. CLAIM</u> <u>SCHED AMT</u>	<u>APPROVED</u> <u>TO BE PAID</u>	<u>PRIN. PAID</u> <u>INT. PAID</u>	<u>PRIN. DUE</u> <u>INT. DUE</u>
022	348852	DC FEDERAL CREDIT UNION	PRO	UNS 25.00		0.00 0.00	11,392.42 9,669.74	11,392.42 2,848.11	0.00 0.00	2,848.11 0.00
023	347057	DEPARTMENT OF COMMERCE FCU	PRO	UNS 25.00		0.00 0.00	0.00 4,000.00	0.00 0.00	0.00 0.00	Not Filed
024	350847	DEPT OF COMMERCE FCU	PRO	UNS 25.00		0.00 0.00	0.00 1,508.22	0.00 0.00	0.00 0.00	Not Filed
025	289862	DEPT. OF INTERIOR FCU	PRO	UNS 25.00		0.00 0.00	0.00 1,690.00	0.00 0.00	0.00 0.00	Not Filed
026	343045	TRANSPORTATION FEDERAL CREDIT UN	PRO	UNS 25.00		0.00 0.00	29,612.68 29,612.00	29,612.68 7,403.17	0.00 0.00	7,403.17 0.00
027	343045	TRANSPORTATION FEDERAL CREDIT UN	PRO	UNS 25.00		0.00 0.00	29,384.53 29,283.50	29,384.53 7,346.13	0.00 0.00	7,346.13 0.00
028	342561	DISNEY VACATION DEVELOPMENT	PRO	UNS 25.00		0.00 0.00	0.00 3,000.00	0.00 0.00	0.00 0.00	Not Filed
029	347209	DOMINION ENERGY	PRO	UNS 25.00		0.00 0.00	0.00 688.77	0.00 0.00	0.00 0.00	Not Filed
030	309524	FAIRFAX COUNTY FEDERAL CREDIT UN	PRO	UNS 25.00		0.00 0.00	0.00 6,000.00	0.00 0.00	0.00 0.00	Not Filed
031	311141	FINGERHUT DIRECT MARKETING, INC.	PRO	UNS 25.00		0.00 0.00	0.00 220.00	0.00 0.00	0.00 0.00	Not Filed
032	350848	LAZ PARKING	PRO	UNS 25.00		0.00 0.00	0.00 420.00	0.00 0.00	0.00 0.00	Not Filed
033	LVNV	LVNV FUNDING LLC.	PRO	UNS 25.00		0.00 0.00	247.86 294.36	247.86 61.97	0.00 0.00	61.97 0.00
034	350849	MICHAEL AND MARGARITA MENDOZA	PRO	UNS 25.00		0.00 0.00	26,797.79 7,000.00	26,797.79 6,699.45	0.00 0.00	6,699.45 0.00
035	344401	MILESTONE MASTERCARD	PRO	UNS 25.00		0.00 0.00	0.00 1,260.00	0.00 0.00	0.00 0.00	Not Filed
036	324279	NHCASH.COM LLC	PRO	UNS 25.00		0.00 0.00	0.00 850.00	0.00 0.00	0.00 0.00	Not Filed
037	349167	SHIVA FINANCE LLC	PRO	UNS 25.00		0.00 0.00	349.81 349.81	349.81 87.45	0.00 0.00	87.45 0.00
038	348118	SPEEDY CASH	PRO	UNS 25.00		0.00 0.00	0.00 1,087.00	0.00 0.00	0.00 0.00	Not Filed
039	350850	SS/SOUTHEAST	PRO	UNS 25.00		0.00 0.00	0.00 5,000.00	0.00 0.00	0.00 0.00	Not Filed
040	350851	TJM FINANCIAL	PRO	UNS 25.00		0.00 0.00	0.00 500.00	0.00 0.00	0.00 0.00	Not Filed
041	348856	TMC	PRO	UNS 25.00		0.00 0.00	0.00 3,500.00	0.00 0.00	0.00 0.00	Not Filed
042	350852	UNITED BANK	PRO	UNS 25.00		0.00 0.00	0.00 500.00	0.00 0.00	0.00 0.00	Not Filed
043	349876	VERIZON BY AMERICAN INFOSOURCE	PRO	UNS 25.00		0.00 0.00	2,406.61 1,000.00	2,406.61 601.65	0.00 0.00	601.65 0.00
044	350853	WILLIAM E. SEALS	PRO	UNS 25.00		0.00 0.00	0.00 1,000.00	0.00 0.00	0.00 0.00	Not Filed
045	350854	EXPRESS CHECK ADVANCE UNLISTED	PRO-A	UNS 25.00		0.00 0.00	636.00 0.00	636.00 159.00	0.00 0.00	159.00 0.00
046	314458	NAVY FEDERAL CREDIT UNION UNLISTED	PRO-A	UNS 25.00		0.00 0.00	23,271.67 0.00	23,271.67 5,817.92	0.00 0.00	5,817.92 0.00
047	343045	TRANSPORTATION FEDERAL CREDIT UN UNLISTED	PRO-A	UNS 25.00		0.00 0.00	262.00 0.00	262.00 65.50	0.00 0.00	65.50 0.00
048	343045	TRANSPORTATION FEDERAL CREDIT UN UNLISTED	PRO-A	UNS 25.00		0.00 0.00	711.55 0.00	711.55 177.89	0.00 0.00	177.89 0.00
049	349876	VERIZON BY AMERICAN INFOSOURCE UNLISTED	PRO-A	UNS 25.00		0.00 0.00	5,597.89 0.00	5,597.89 1,399.47	0.00 0.00	1,399.47 0.00
050	350681	FORT LEE FCU UNLISTED / LATE	PRO-A	UNS 25.00		0.00 0.00	623.64 0.00	623.64 155.91	0.00 0.00	155.91 0.00

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DEBTOR: XXX-XX-3628

BURTON, DARRIN Z

SCHEDULE: 3,125.00 MONTHLY

PLAN AND FILED CLAIMS

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799	OBERBA	EARL J. OBERBAUER, JR, ESQ.	PRO 01/2020	ATY 100.00		0.00 0.00	5,220.00 5,220.00	4,595.00 4,595.00	4,595.00 0.00	0.00 0.00
Trustee Administrative Fees								1,337.70	1,337.70	
TOTALS:						1,634.01 4,902.03	263,338.22 244,828.77	264,050.92 159,386.59	17,658.80 0.00	141,727.79 0.00
	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER				
SCHED AMOUNT:	0.00	5,220.00	17,859.20	101,843.31	119,906.26	0.00				
CLAIM AMOUNT:	0.00	4,595.00	17,859.20	100,706.55	34,888.14	0.00				
PAID BY TRUSTEE:	0.00	4,595.00	1,611.85	10,114.25	0.00	0.00				
PAID BY 3rd PARTY:	0.00	0.00	0.00	0.00	0.00	0.00				
SUB TOTAL:	0.00	0.00	16,247.35	90,592.30	34,888.14	0.00	DUE CREDITORS:	141,727.79		
INTEREST DUE:	0.00	0.00	0.00	0.00	0.00	0.00	EXPECTED ADMIN:	15,277.62		
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	4,229.20		
BALANCE DUE:	0.00	0.00	16,247.35	90,592.30	34,888.14	0.00	APPROX BALANCE:	152,776.21		

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